Portsmouth City Council
Development Management Review
5 July 2023

1. INTRODUCTION

Portsmouth City Council is working hard to meet government performance targets in relation to speed of decisions for both major and non-major applications. However, performance over the current assessment period (Oct 2021 to September 2023) has been failing to meet the thresholds set by government. As such, the City Council is at risk of being designated as poorly performing and recently received a letter from the Secretary of State indicating that he is "minded to designate" the service if the situation is not addressed.

This review of the City Council's development management service is designed to look at ways of improving performance around decision making and the speed of decisions, helping to ensure that every opportunity is utilised to meet the performance thresholds set by Government within available resources. The review was undertaken by Peter Ford and Garreth Bruff, Principal Consultants for the Planning Advisory Service (PAS). PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils in England.

The review was based on the [PAS Development Management Challenge Toolkit](). The toolkit aims to provide a 'health check' for local planning authorities (LPAs) and acts as a simple way to develop an action plan for improvements to development management service. The purpose of this Development Management (DM) review is not to cover every aspect of the DM service, however, but to focus on the areas that have been highlighted by the council as being of particular concern in relation to performance. Officers at Portsmouth were asked to identify the most relevant of the 15 sections covered in the PAS Development Management Challenge Toolkit. The specific sections selected by officers to focus on were:

- decision making processes, IT and administration;
- workload management;
- consultation and allocation of cases; and
- how the service considers planning applications.

A selection of background data was analysed by the PAS team as part of the review, and this was followed by interviews and discussions with a range of different Council officers involved in the DM process on the 13 June 2023. All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback. The discussions with officers were open and wide ranging covering a number of questions for each of the topics listed, and the report broadly follows these topic headings.

Given the position of the service and current focus on addressing the Government's performance thresholds, it would not be appropriate to introduce systemic changes to the DM process without careful consideration of the likely impacts and additional pressure that this

could place on an already stretched team. As such, the recommendations in this report have been prioritised to suggest when and how they could be addressed, based on:

I.   Short term – "quick win" recommendations that could be implemented immediately without taking valuable capacity away from the priority of dealing with the current workload of planning applications.
II. Medium term – recommendations that could be implemented over the next four to six months, changes that may take some time and capacity from the team to introduce but which will result in a more efficient service very quickly.
III. Longer term - recommendations beyond the next six-month period, that may take more time as well as some political will to introduce, but will create a much more resilient service and help avoid future threats of designation. Preparation could start now to ensure these changes are achievable within 12 months.

2. BACKGROUND AND BROADER CONTEXT

In common with many other Councils, Portsmouth has faced ongoing challenges with the recruitment and retention of staff. It is acknowledged that competition for staff is extremely tight in this part of the country and the perception is that pay rates in neighbouring areas leave Portsmouth at a disadvantage when it comes to recruitment and retention. The DM team is currently operating with 8 vacancies and 6 temporary officers, although a recruitment exercise was underway during the review. It is extremely positive to hear that the Assistant Director is is introducing career grade posts to help attract and retain good officers.

The service has also had to rely on agency staff in the recent past to act as DM case officers. Whilst this is not unusual and many agency staff are extremely efficient, there is acceptance that the management and deployment of agency staff has not always been appropriate in the past. At one point, agency staff were responsible for around 200 live cases (approximately one third of the total case load at the time) and the sudden loss of these officers still has implications for the DM service, with technical officers having to take time out from their own busy responsibilities to investigate and then allocate the applications to other case officers.

One distinctive challenge for Portsmouth is the amount of officer and planning committee time taken up with planning applications, and applications for a lawful development certificates, for houses in multiple occupation (HMO). At the time of the review, one in three planning committee meetings is dedicated to HMO cases alone and other committee meetings also include HMO applications. Some of this work is as a result of the university in Portsmouth and HMOs for students, but the Council also has a policy of bringing any application which concerns a HMO, with small increases to occupancy, to a planning committee. This takes a lot of officer time and leads to lawful development certificates (as well as the interpretation of planning law) being, at times, subject to lengthy debates in committee. It is extremely unusual for a planning committee to consider the interpretation of planning law alone, rather than planning balance, and in most councils these applications would be treated more efficiently through delegated authority to a planning officer and lawyer (if necessary), operating within a framework agreed by elected members.

These factors have put an extraordinary pressure on officers, and they should be commended for their dedication and the efforts that they have made. A series of "production drives" have been instigated with teams working over several weekends to deal with the backlog of planning cases. The service is also innovative in developing the skills of associated professionals, eg

technical officers and licensing officers, to undertake some planning tasks under supervision as well as supporting a successful apprenticeship programme for new planners.

Against this backdrop performance on both major and non-major applications has dropped below government targets although recent trends are much more positive with the council exceeding the 70% minimum threshold on non-Majors since January 2023. Notwithstanding the issue of staff resources, this review has looked at a sample of applications and statistics and has considered ways of streamlining procedures to maximise the number of applications being dealt with within targets, while still providing the best possible service. It has focussed on changes that can have an impact in the short, medium and longer term.

KEY RECOMMENDATIONS

Over the short term (ie immediate):
R1 Ensure that all applications are properly validated before allocating to a case officer and set out clearer criteria for the technical team to follow when allocating non-major applications to case officers.

R2 Adopt a single and simply laid out performance management report, we suggest using the Boxi system in the short term, across all teams and ensure that this continues to be shared widely across all staff to encourage a single team approach.

R3 Streamline the sign off process for reports by managers through use of the Idox Uniform system, replacing current email process and allowing the technical team to pick up and prepare a decision notice more simply.

R4 Identify an officer to make some immediate updates to the website to reduce time spent on queries and complaints, e.g. a user friendly explanation of the Statement of Community Involvement in relation to how applications are publicised; a guide to rules for speaking at planning committees; and clearer sign-posting to Planning Portal for advice.

R5 Take a firm position on the provision of non-key services such as informal telephone advice on permitted development, to minimise the interruptions to case officers and the technical team. For example, it is reasonable for the support team to direct callers to a web page or the pre application service and advise that it is not possible to provide advice over the phone because of potential misunderstandings and resource constraints.

Over the medium term (ie within 4-6 months):
R6 Update the local validation list and take a stronger line on rejecting poorly presented or incomplete applications. This should include "triaging" applications to weed out the poorest more quickly and deducting a modest administration charge for returned applications.

R7 Provide clearer guidance to case officers on legitimate reasons for extensions of time and setting realistic extensions of time. Undertake more active case management between 4 and 6 weeks to agree these when necessary.

R8 Bring together all the process notes and guidance available for case officers into a single DM manual, making the most of existing work as well as drawing up a plan for filling some gaps in that guidance as indicated in this report, e.g. a risk based approach to site visits, placing and recording site notices, non-material amendments, reasonable levels negotiation with applicants on their applications and triggers for referring to planning committee.

R9 Design and begin the roll out of a staff training programme, aimed to support DM officers as well as retain and develop staff. This would include project management training for case officers; payment of RTPI fees for DM staff and opportunities for networking/CPD; use of the IDOX Uniform system as it is developed.

Over the longer term (ie 6-12 months):
R10 Build on the work already started by the interim DM manager to improve relationships with local agents and developers including:

- formally establish an agent's forum, enabling local agents to meet and discuss issues with managers in the team DM.
- Consider the establishment of an accredited agents scheme that allows the most trusted agents to be fast tracked through the validation stage. Agree priority work issues to help the speed of decision making – e.g. quality of applications, use of extensions of time, introduction of new technology.

R11 Work with elected members to review the scheme of delegation with the aim of reducing the number of applications needing to go to committee and reducing the uncertainty for a committee decision. Issues covered in the review could include:
- re-enforcing the use of the agreed deadline for a member referral to committee (this is currently 28 days)
- an agreed framework and process for dealing with minor applications, including applications for certificates of lawful developments, to increase the percentage of applications delegated to officers rather than at committee

R12 Reform the way that the Idox Uniform system is utilised, redesigning this so that it meets the needs of the DM team and enables case officers to manage caseloads within the system, log progress with each application and prepare reports within the system. This recommendation would be subject to any local or national decision to introduce a new back-office system and PAS can provide advice on this.

R13 Review the existing enforcement plan to include a process for prioritising cases – such as high, medium and low – and an accompanying expectation for investigation planning breaches.

R14 Review standard wording and templates for reports to ensure they are of an appropriate length and detail for each type of development and reflect the Council's wider duties, for example under the Equality Act and Human Rights Act.

The sections below set out our findings and the rationale to support these recommendations.

3. PROCESSES, IT AND ADMINISTRATION

The technical team play a critical role in supporting the wider DM service and taking away some of the more administrative burdens from case officers. For example, as well as registration and validation, the technical team take ownership for tasks such as consultation and publicity of applications as well as issuing decision notices once a report has been approved. This is efficiently and effectively run, with very impressive validation times and efforts to ensure that all applications are treated quickly, even those submitted by paper or through email rather than the planning portal.

However, some of the systems used by the team are less well integrated with the DM case officers' ways of working. One area of particular concern identified was the use of the Enterprise system. This appeared to be used by the technical team, but not by case officers or managers. Consequently, there is significant level of double handling with case officers and managers using their own project management systems rather than simply using the Enterprise system for the management of caseloads. It appears that the main reason for this was the lack of case officer input into its implementation and so its value is recognised only by the technical team. A systems review undertaken by the council over Summer 2021 was introduced early in 2022. This reduces the loss of time between a draft report being produced and a decision being made, but relies on regular meetings which do not utilise the Enterprise system.

This lack of connection between the back-office system and some aspects of the DM process is something needs to be addressed in the longer term. The Enterprise system is designed to be used by all inputs in the decision-making process and therefore is being under used. With the proposed implementation of a new system shortly it may be inappropriate for a significant roll out of training for staff on Enterprise. However, perhaps it is an issue that should be reflected on as and when a new back-office system is introduced by the council.

Technical support for the Uniform system is reliant largely on the support provided by the councils central IT service. Staff were complementary in the main on the service provided but it appears to rely on individuals going above and beyond to help colleagues rather than a structured support programme. As the lack of public access for Development Management information is a high risk for a council, it is important that the fast and effective resolution of IT matters related to Development Management are placed on the council's risk register.

There could be better use of the council's website to reduce time spent on general enquiries and to promote the information available to applicants and the general public. No one officer in the planning service has the role of managing and updating the information provided on the website and any requests are directed through the corporate IT team. This has resulted in many calls being handled by the technical team and other officers that could have been answered by direction to the website.

We were advised that approximately 80% of applications are submitted through the Planning Portal with other applications submitted through email or through the post. It is beneficial for councils to maximise the percentage of applications received through the Planning Portal to avoid double handling and improving the quality of applications received. We were also told that there are many invalid applications received and yet the council does not retain an administrative fee when it returns applications even though time has been spent on the consideration of the application. Many of these matters could be discussed at a local agent's forum meetings that currently are not operating at the council.

There are several very helpful process notes available to staff, but these are not comprehensive or always up to date. They are kept in a single folder, but it would be helpful if they were retained into a single DM manual so that all staff have a single point of reference to ensure all relevant processes are covered and carried out consistently. For example, gaps in this guidance include Non-Material Amendments. To avoid challenge and an inconsistent approach, it is helpful for councils to spell out its definition of non-material amendments so that they are transparent. This would aid officers in making decisions or providing advice to applicants and, if appropriate, be provided to interested parties if the approach was challenged.

4. WORKLOAD MANAGEMENT

Historically the council has been hindered with speed of decision making from several factors. In particular, the council has had enormous difficulty in recruiting experienced Planning Officers and has been subject to a decisions embargo due to the nitrates issue that has affected the geographic area that includes Portsmouth. Whilst agency staff have plugged the gaps to a degree, there has been a great variety in the quality of agency staff and in many cases agency staff have left without meeting the performance standards that the council need to at least meet DLUHC minimum standards.

There is clear evidence that staff are coping better with workloads, and this has been helped through a number of factors including:

- the systems review process that took place between summer 2021 and early 2022;
- the successful recruitment of permanent staff to relieve the reliance on agency staff;
- the voluntary use of staff working extra hours at the weekend to help reduce the backlog; and
- additional case officer support being provided from other staff in the service such as the technical team, policy team and other specialists

In addition, greater emphasis is being given by managers to support case officers to manage their workload with regular 1 to 1s and case reviews. This has put more pressure on the interim DM Manager and team leaders but is an effective use of their time to ensure that issues relating to applications are dealt with quickly and decisions can be issued in a timely manner.

Effective use is being made of PPAs to resource the New Neighbourhoods Team and this is currently funding two posts. This funding has enabled the council to properly resource some of the key strategic projects and enable these projects to be prioritised.

The DM review did not look in detail at the management of enforcement. There is a backlog as is common at many councils, but it appears reasonably well resourced with a manager and two dedicated staff. However, it is unclear how cases are being prioritised with many cases very old with no apparent route for resolution. The council has an enforcement plan, but a notable absence is guidance on how individual cases should be prioritised. It is usual for an enforcement plan to include a system of prioritisation (high, medium and low) and an accompanying target for considering individual cases. This appears absent in the council's enforcement plan.

5.0 CONSULTATION AND ALLOCATION

The validation and consultation stage of the planning application process is carried out by the validation team. The validation stage is very efficient with all applications, including paper submissions, normally registered on the day of submission and validation is normally completed within 5 working days. The team uses a local validation list that was last reviewed in 2017. Government advises that local validation lists should be reviewed every two years so the council's list is in need of updating.

The validation team normally hold on to an invalid application for up to 28 days with a reminder to the applicant after 14 days. The team will also allocate an application to a case officer based on workload, site history and advice of the manager if necessary. This stage of the process appears to be fast, efficient and no staff we spoke to had any issues with this stage of the process. However, the local validation list does need an urgent update and will help the service take a stronger line on managing invalid applications, including the ability to push higher standards by deducting or retaining a small administration charge when returning invalid applications.

The validation team also carry out all the necessary consultations and organise for public notification through neighbour letters, site notices and newspaper adverts as outlined in the Statement of Community Involvement (SCI). There is a comprehensive consultation protocol that is agreed with consultees and reviewed when required. There is a process in place for case officers to plot where site notices have been placed on a plan and take photographs of the site notice at the agreed location. However, we heard that officers often do not properly record this information on the Uniform system. There have been several high-profile national Ombudsman cases where neighbour notification procedures have been challenged and therefore it is essential that these procedures are tightened up.

The council takes a cautionary approach to consultation with site notices and neighbour letters. Many councils, particularly urban councils, rely predominantly on a site notice rather than neighbour letters as well. Also, there are well established public access routes available to interested parties through the Uniform system that will enable those interested to access information on development proposals in their area.

The Member referral procedure allows a councillor to refer any application to Planning Committee within 28 days of the registration of the application to a decision being issued. This time limit is not strictly enforced with officers frequently utilising discretion to allow Members to refer matters to committee after this date. This is unusual, creating both delays and uncertainty in the decision-making process. Most councils will operate a time limit for Member referrals (such as during the 21-day statutory consultation period) to allow the Planning Committee agenda to be properly managed and for applicants to have sufficient forewarning of a Planning Committee referral.

6.0 CONSIDERING AN APPLICATION

Once an application is passed to the case officer there are some process notes to assist the case officer, but it appears that the officer will normally have their own system of monitoring progress based on their own project management systems and supplemented by the regular 1 to 1 review with their line manager. As many applications exceed the 8 or 13-week determination period, case officers do negotiate extension of times with applicants, but the

efficiency of this is largely down to the individual case officer. The guidance notes infer that extensions of time requests will be required in many cases and there is no guidance on securing reasons with the applicant or on how to try to meet the Government targets. Whilst pragmatically this situation has become "business as usual" it will be important for the council to try to move away from the large dependency on extension of time agreements.

The council has made an impressive move to minimise the length of officer reports, particularly when they are uncontentious. In fact, the council should perhaps review whether this has been taken too far and whether some standard wording, aimed at protecting the council should be added to the reports. For example, with regard to duties under the Equality Act and Human Rights Act.

Whilst the concise nature of the reports are a positive aspect, there appears to be a culture of negotiation for all applications, regardless of the issues relating to the proposal. Whilst it is commendable that the council's emphasis is to maximise the quality of every development proposal, a more pragmatic approach may need to be taken in some instances in light of current performance and high work pressures.

We heard that case officers do not always take a consistent approach to site visits. As some officers work from outside Portsmouth it is not practical for them to always carry out a site visit and reliance is made on the use of Google Maps. Whilst many councils have an adopted a risk-based approach to undertaking site visits it should be accompanied by a clear process that is based on the type of application. This will help avoid challenge or missing site-based constraints. It is recommended that the council adopts a risk-based process for site visits so that there is consistency of approach.

7.0   CONCLUSIONS

All officers in the service are aware of the performance issues and are working hard to address these within their available resources. The whole team is focussed on delivering a quality service and officers understand the importance of good performance. There are, nevertheless, some changes that could be implemented quickly which have the potential to improve the performance figures. More medium- and long-term changes will have a bigger impact though, and care neds to be taken to introduce change without losing focus on the "day job" of dealing with applications.

Perhaps some of the most significant improvements to aid speed of decisions could be realised through a more balanced approach to HMO applications and the scheme of delegation. However, it is recognised that this requires political support and there is still a strong political will to give these applications additional public scrutiny through Planning Committee. Similarly, it is concerning to see that back-office IT systems (and the Idox Uniform system with Enterprise) are not being maximised by case officers. Again, time needs to be invested to review and refocus this system so that it can be used more easily by case officers and designed around their needs. This will reduce the amount "multiple handling" for aspects of the DM process and enable a better understanding of performance. But again, this requires investment in time by the DM team and so change needs to be timed carefully.

Adopting a phased approach to change over time, with short, medium and longer term steps will be important to balancing these competing pressures. Our recommendations should provide a

basis for change and can inform an action plan to secure the improvements that the service desires.